

Congress of the United States
Washington, DC 20515

September 13, 2022

Ms. Janet Coit
Assistant Administrator for Fisheries
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Dear Assistant Administrator Coit:

As the National Marine Fisheries Service (NMFS) expands Phase 2 of the Atlantic Large Whale Take Reduction Plan (ALWTRP) to reduce the risk of serious injuries and mortalities of North Atlantic right whales, we are writing to request that your agency make the Decision Support Tool (DST) available to impacted stakeholders immediately so they are able to provide informed options to NMFS as the agency works to reach a coastwide ninety percent risk reduction for right whales.

Following the recent decision by the U.S. District Court invalidating the Biological Opinion and 2021 right whale rule, NMFS has drastically accelerated the rulemaking process for the Northeast lobster industry to reach a ninety percent risk reduction. In doing so, it has come to our attention that your agency has refused to make the DST - the mechanism that will be used to determine the types of measures the Northeast lobster fishery will be required to take in the coming months - available to state fisheries regulators and industry.

We understand that NMFS will not provide the DST to stakeholders until it is peer reviewed in late October or November, yet it will end the scoping period for input on Phase 2 measures on October 11. We respectfully request that NMFS either provide the DST to stakeholders now or extend the timeline for scoping to end after stakeholders have had at least thirty days to generate management options using the DST. Otherwise, NMFS will proceed with rulemaking that will not be adequately informed by those who are most severely impacted by these regulations. We are also disturbed that your agency has given impacted stakeholders only two business days to provide NMFS with proposals to reach that target before the upcoming Take Reduction Team meeting.

We are very concerned that states and industry stakeholders will not have the opportunity to use the DST to run potential measures through the model that aim to balance right whale protection while ensuring a viable lobster fishery. We find this unacceptable given the scenarios NMFS has shared demonstrating drastic proposals to achieve a ninety percent risk reduction, including a year-round closure of all federal fixed gear fisheries from Maine to Florida. NMFS should not prioritize expediency when doing so compromises the very survival of Maine's lobster fishery. This approach will also undermine stakeholder faith in the process and may ultimately yield a new regulatory framework that does not provide additional protections for right whales while potentially shutting down the entire lobster industry.

Future regulatory requirements imposed on the Northeast lobster fishery should be informed by a thorough and collaborative process that incorporates the best-available data provided by state agencies and industry participants. Given the DST will be used to determine future regulatory actions by your agency on the lobster fishery, we strongly urge you to make it available to stakeholders immediately or change the timeline of the scoping period to ensure that state fisheries regulators and industry have had time to contemplate measures using the DST to identify proposals that protect right whales and preserve the lobster fishery.

We appreciate your attention to this request and look forward to hearing from you.

Sincerely,



Jared Golden
Member of Congress



Chellie Pingree
Member of Congress



Susan M. Collins
United States Senator



Angus S. King, Jr.
United States Senator